

Notice of Allowability	Application No.	Applicant(s)	
	10/072,303	ANDREWS ET AL.	
	Examiner	Art Unit	
	Jessica L. Rossi	1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment, 3/16/04.
2. ☒ The allowed claim(s) is/are 1-3,5,8-26,40-43 and 49.
3. ☒ The drawings filed on 20 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/23/03, 2/25/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>05212004</u> . 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Campigotto on 5/21/04.

2. The application has been amended as follows:

Claim 1, line 2: deleted and replaced by --adding a bonding agent into an upward-facing open channel in a bonding surface of a first electrochemical cell component;--

Claim 1, line 3: deleted and replaced with --aligning the first electrochemical cell component with a second electrochemical cell component;--

Claim 1, line 4: deleted and replaced with --creating one or more closed channels when the second component is aligned with the first component;--

Claim 1, lines 5-6: deleted and replaced with --distributing the bonding agent through the one or more closed channels;--

Claim 1, line 7-8: deleted and replaced with --supporting both a section of the second component that covers the open channel and the open channel, wherein support is provided by one or more supports disposed in the open channel of the first component, by one or more supports protruding from a section of the second component that covers the open channel, or by combinations thereof;--

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Claim 1, lines 9-10: deleted and replaced with --placing the aligned components into a container consisting essentially of a pliable bag; and--

Claim 1, lines 11-15: deleted and replaced with --drawing a vacuum within the pliable bag, wherein the pliable bag molds to a shape of the aligned components.--

Claim 3, line 2: "sealed" was deleted.

Claim 6: canceled.

Claim 7: canceled.

Claim 8, line 1: "4" was deleted and --1-- was inserted.

Claims 27-39 and 44-48: canceled.

3. The following is an examiner's statement of **reasons for allowance**:

With respect to claim 1, the prior art fails to teach or suggest a method of assembling electrochemical cell components comprising distributing bonding agent through one or more closed channels created by aligning a first component having an upward-facing open channel and a second component, and supporting both a section of the second component that covers the open channel of the first component and the open channel, wherein the support is provided by one or more supports disposed in the open channel of the first component, by one or more supports protruding from a section of the second component that covers the open channel, or by combinations thereof.

WO 99/56954 to Caliper Technologies teaches making a microfluidic device by bonding a first component having an upward-facing open channel to a second component, wherein deformation of both components is prevented during bonding by providing supports protruding from the surface of the first component (excluding the channel area) or by providing supports

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protruding from the second component such that they project into the open channel (Figure 3A; p. 14, line 25 – p. 15, line 20; esp. p. 15, lines 16-17). However, the reference teaches the need for these supports when using a thermal bonding process and expressly states that these supports are not used when the components are adhesively bonded because deformation of the components does not occur (p. 9, lines 11-13).

Therefore, the skilled artisan would not look to this reference to modify the method of adhesively bonding electrochemical cell components as taught by Schmid (US 6080503; primary reference applied in paragraph 18 of previous office action) to render Applicant's claimed invention obvious, because the '954 reference teaches away from that being claimed.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jessica L. Rossi** whose telephone number is **571-272-1223**. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard D. Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from

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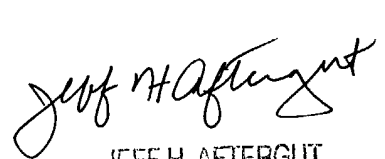
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either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jessica L. Rossi
Patent Examiner
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